

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BALTIMORE DIVISION

JASON ALFORD, DANIEL LOPER, WILLIS
McGAHEE, MICHAEL McKENZIE, JAMIZE
OLAWALE, ALEX PARSONS, ERIC SMITH,
CHARLES SIMS, JOEY THOMAS, and LANCE
ZENO, Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

THE NFL PLAYER DISABILITY & SURVIVOR
BENEFIT PLAN; THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; THE BERT BELL/PETE ROZELLE NFL
PLAYER RETIREMENT PLAN; THE
DISABILITY BOARD OF THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; LARRY FERAZANI; JACOB FRANK;
BELINDA LERNER; SAM McCULLUM;
ROBERT SMITH; HOBY BRENNER; and
ROGER GOODELL,

Defendants.

Case No. 1:23-cv-00358-JRR

**REPLY DECLARATION OF BENJAMIN R. BARNETT IN FURTHER
SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
AND IN SUPPORT OF PLAINTIFFS' MOTION TO EXCLUDE**

BENJAMIN R. BARNETT declares the following pursuant to 28 U.S.C. § 1746:

1. I am a partner in the law firm of Seeger Weiss LLP and am admitted to practice in the State of Maryland, the Commonwealth of Pennsylvania, and the District of Columbia, and I am also admitted to this Court. I make this Reply Declaration in further support of Plaintiffs' motion for class certification (ECF No. 102), and in support of Plaintiffs' motion, pursuant to Federal Rule of Evidence 702, to exclude the Declaration of David B. Lasater in Support of

Defendants' Opposition to Plaintiffs' Motion for Class Certification (ECF No. 111-2). I have personal knowledge of the matters set forth herein based on my role as one of the counsel of record and on my review of the case file of my firm and other files.

2. Annexed hereto as **Exhibit F** is an excerpt from the transcript of the February 21, 2025 hearing before this Court.

3. Annexed hereto as **Exhibit G** is Defendants' response to Interrogatory No. 14 from Defendants' Responses and Objections to Plaintiffs' First Set of Interrogatories, dated and served on September 27, 2024.

4. Annexed hereto as **Exhibit H** is a copy of the Expert Report of Dr. Anthony Hayter, prepared by Anthony Hayter, Ph.D., and dated April 11, 2025.

5. Annexed hereto as **Exhibit I** are excerpts from the transcript of the April 1, 2025 deposition of Hessam ("Sam") Vincent, currently the Disability Relations Manager of the National Football League's Player Benefits Office ("NFLPBO").

6. Annexed hereto as **Exhibit J** is the complete transcript of the March 19, 2025 deposition of David B. Lasater, Ph.D.

7. Annexed hereto as **Exhibit K** are excerpts from the transcript of the April 2, 2025 deposition of Defendant Robert Smith, a member of the Defendant Disability Board ("Board").

8. Annexed hereto as **Exhibit L** are excerpts from the transcript of the March 28, 2025 deposition of Adora Williams, a Senior Manager in the Benefits Department of the National Football League Players Association ("NFLPA") and Party Advisor to the NFLPA-appointed members of the Board.

9. Annexed hereto as **Exhibit M** are excerpts from the transcript of the April 8, 2025 deposition of Michael B. Miller, who is employed by the NFLPBO as the Plan's Director.

10. Annexed hereto as **Exhibit N** is a copy of Exhibit 6 from the April 8, 2025 deposition of Michael B. Miller, bearing Bates number NFL_ALFORD-0012346.

11. Annexed hereto as **Exhibit O** is a copy of the Neurology/Neuropsychology Neutral Physician Panel Orientation Manual, effective June 8, 2021, produced by Defendants in native format and Bates numbered NFL_ALFORD-0068319.

12. Annexed hereto collectively as **Exhibit P** are copies of Physician Report Forms, respectively dated June 3, 2022 and August 22, 2022, which were produced by Plaintiffs in native format and Bates numbered NFLPLTFS-0001920 and NFLPLTFS-0001921, respectively.

13. Annexed hereto as **Exhibit Q** is a copy of the Expert Report of Joseph A. Garofolo, J.D., dated April 11, 2025.

14. Under penalty of perjury, I declare the foregoing to be true and correct.

Executed this 11th day of April, 2025

s/ Benjamin R. Barnett

BENJAMIN R. BARNETT